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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,079	09/12/2003	Yigal Levi	35643.0005	9798
26712	7590	06/02/2006	EXAMINER	
HODGSON RUSS LLP ONE M & T PLAZA SUITE 2000 BUFFALO, NY 14203-2391			GREENE, DANIEL LAWSON	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/662,079	LEVI, YIGAL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel L. Greene Jr.	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/25/04, 9/12/03, 5/25/05 & 3/14/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/2006 has been entered.

### ***Response to Amendment***

2. Applicant's amendments to the claims filed 3/14/2006, with respect to sections 5, 6 and 7 of the Office action mailed 8/10/2005 have been fully considered and are persuasive. Accordingly the rejections of said sections 5-7 have been withdrawn.

### ***Drawings***

3. Drawings (Figures 3a, 3b, 4a and 4b) were received on 3/14/2006. These drawings are not acceptable for the same reasons set forth in the PTO-948 dated 8/4/2005 (erasures, hand written notation, etc). The Examiner will enter said Figures 3a, 3b, 4a and 4b when they comply with current USPTO practices.

***Specification***

4. The disclosure is objected to because the Brief description of the Drawings lacks annotation and description of Figures 2A, 2B, 4A and 4B,

**Appropriate correction is required.**

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claims 1-3, 7-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,745,346 to Aitchison et al. in view of pages 53-55 of the 1942 Explosives and Demolitions Engineer Field Manual and further in view of U.S. Patent 4,175,490 to Britton et al for the reasons set forth in section 9 of the previous office action mailed 8/10/2005.**

Applicant's arguments filed 3/14/2006 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments are unpersuasive as applicant has not shown that the references do not teach what the examiner has stated they teach, nor has applicant shown that the examiner's reasoning for and manner of combining the teachings of the references is improper or invalid.

Applicant is directed to Aitchison et al. Figure 3, column 2 lines 69+, column 3 lines 1-5, etc.

**7. Claims 1-4, 6-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,745,346 to Aitchison et al. in view of pages 53-55 of the 1942 Explosives and Demolitions Engineer Field Manual and further in view of U.S. Patent 4,175,490 to Britton et al. as applied to claims 1-3, 7-9 and 12 and further in view of U.S. Patent 3,710,718 to Grant alone or in the alternative over grant in view of Merriam Webster's Collegiate Dictionary Tenth Edition for the reasons set forth in section 10 of the previous office action mailed 8/10/2005.**

Applicant's arguments filed 3/14/2006 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments are unpersuasive as applicant has not shown that the references do not teach what the examiner has stated they teach, nor has applicant shown that the examiner's reasoning for and manner of combining the teachings of the references is improper or invalid.

**8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,745,346 to Aitchison et al. in view of pages 53-55 of the 1942 Explosives and Demolitions Engineer Field Manual and further in view of U.S. Patent 4,175,490 to Britton et al. as applied to claims 1-3, 7-9 and 12 and further in view of U.S. Patent 3,710,718 to Grant alone or in the alternative over grant in view of Merriam Webster's Collegiate Dictionary Tenth Edition and further in view of U.S. Patent 6,520,089 to Avanci et al. for the reasons set forth in section 11 of the previous office action mailed 8/10/2005.**

Applicant's arguments filed 3/14/2006 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments are unpersuasive as applicant has not shown that the references do not teach what the examiner has stated they teach, nor has

applicant shown that the examiner's reasoning for and manner of combining the teachings of the references is improper or invalid.

**9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,745,346 to Aitchison et al. in view of pages 53-55 of the 1942 Explosives and Demolitions Engineer Field Manual and further in view of U.S. Patent 4,175,490 to Britton et al. as applied to claims 1-3, 7-9 and 12 above and further in view of applicants own admission of prior art for the reasons set forth in section 12 of the previous office action mailed 8/10/2005.**

Applicant's arguments filed 3/14/2006 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments are unpersuasive as applicant has not shown that the references do not teach what the examiner has stated they teach, nor has applicant shown that the examiner's reasoning for and manner of combining the teachings of the references is improper or invalid.

### ***Conclusion***

10. Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. **It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.**

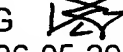
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene Jr. whose telephone number is (571) 272-6876. The examiner can normally be reached on Mon-Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571) 272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3663

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DIG   
2006-05-29

  
JACK KEITH  
SUPERVISORY PATENT EXAMINER